# AGENDA & Meeting Notice

The Arlington Redevelopment Board will meet <u>Monday</u>, <u>January 23</u>, <u>2017</u> at 7:30 PM in the Town Hall Annex, Second Floor Conference Room, Arlington, Massachusetts.

Agenda Item	How	Time
1. 2017 Annual Town Meeting Warrant Articles	DPCD staff will present zoning and Town Bylaw Warrant Articles for discussion and Board will vote to submit zoning Articles for the Warrant.	7:30 – 8:30 p.m. (60 mins)
2. FY18 ARB Properties update	DPCD staff will provide an update about ARB properties	8:30 - 8:45 p.m. (15 mins)
3. Approval of Meeting Minutes from December 19, 2016, and January 9, 2017	Board members will review minutes from the previous ARB meeting, and provide feedback for edits and vote	8:45-8:55 p.m. (10 mins)
Adjourn		9:00

Proposed Zoning Bylaw Amendments 1/23/17

#### **ARTICLE A**

### ZONING BYLAW AMENDMENT/ MIXED USE IN BUSINESS AND INDUSTRIAL ZONES

To see if the Town will vote to amend the Zoning Bylaw ARTICLE 6 SECTION 6 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS for Mixed-Use development in Business zones by removing the minimum lot area per dwelling unit square feet, or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

#### **ARTICLE B**

### ZONING BYLAW AMENDMENT/ DEFINITIONS ARTISANAL FABRICATION

To see if the Town will vote to amend the Zoning Bylaw, ARTICLE 2 DEFINITIONS, Artisanal Fabrication, by removing the maximum square foot area, or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

#### **ARTICLE C**

### ZONING BYLAW AMENDMENT/RESIDENTIAL DRIVEWAY AND PARKING ACCOMODATION ZONING CHANGES

To see if the Town will vote to amend the Zoning Bylaw to address design and construction of new residential driveways and parking accommodations by: amending ARTICLE 8 SECTION 8.07 PARKING IN RESIDENTIAL DISTRICTS to set the maximum allowable grade for driveways accessing below-grade garages for single, two-family, duplex, or three-family dwellings at 15 percent (15%) unless authorized by special permit; amending ARTICLE 8 SECTION 8.07 PARKING IN RESIDENTIAL DISTRICTS to require vegetated buffers; amending ARTICLE 8 SECTION 8.07 PARKING IN RESIDENTIAL DISTRICTS to allow for incentives for surface parking at newly-constructed single, two-family, duplex or three-family dwellings; amending ARTICLE 8 SECTION 8.01 OFF-STREET PARKING REQUIREMENTS to decrease the number of off-street parking spaces required per dwelling unit from two (2) to one (1) for all single, two-family, duplex, or three-family dwellings; amending ARTICLE 6 SECTION 6 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS to consider changes to minimum setbacks; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

# ARTICLE A BYLAW AMENDMENT/RESIDENTIAL CONSTRUCTION, OPEN EXCAVATION, AND DEMOLITION ACTIVITY REGULATIONS: NEIGHBOR NOTIFICATIONS AND MEETINGS

To see if the Town will vote to amend the Town Bylaws to require property owners and/or builders to provide the following material to abutters within 200 feet of residential demolition, open foundation excavation, new construction, or large addition sites, within seven (7) calendar days of the filing of a Building Permit application: site plan, hours of operation, anticipated completion date, work schedule, health, safety, abutting property protection, and noise abatement and to require evidence of such notice to abutters to the Department of Inspectional Services prior to the issuance of a Building Permit; and determine any fines for violations of said bylaw amendments; or take any action related thereto.

(Inserted at the request of the Residential Study Group)

# ARTICLE B BYLAW AMENDMENT/RESIDENTIAL CONSTRUCTION, OPEN EXCAVATION, AND DEMOLITION ACTIVITY REGULATIONS: BUILDING SITE MAINTENANCE

To see if the Town will vote to amend the Town Bylaws to require property owners and/or builders engaged in residential demolition, open foundation excavation, new construction, or large additions, to manage site conditions in the interests of public safety by mandating non-construction waste be removed or otherwise managed daily; dumpsters be used for construction waste only and covered and secured during non-working hours; portable restrooms be secured, maintained, and free from the public way unless otherwise permitted by the Town; construction equipment and materials be stored in safe, secure and non-obstructive locations on the site or as otherwise permitted by the Town and timely removed if inoperable or will otherwise no longer be used on the site; and determine any fines for violations of said bylaw amendments; or take any action related thereto.

(Inserted at the request of the Residential Study Group)

# ARTICLE C BYLAW AMENDMENT/RESIDENTIAL CONSTRUCTION, OPEN EXCAVATION, AND DEMOLITION ACTIVITY REGULATIONS: ABUTTER AND PUBLIC PROPERTY PROTECTIONS

To see if the Town will vote to amend the Town Bylaws to require property owners and/or builders engaged in residential demolition, open foundation excavation, new construction, or large addition projects protect neighboring public and private property by requiring a drive entrance pad, or its equivalent, to minimize tracking of soils from the building site; and prohibit removal of-lateral support from any footing or foundation-without-first-protecting such-footings or foundations against settlement or lateral translation; and determine any fines for violations of said bylaw amendments; or take any action related thereto.

(Inserted at the request of the Residential Study Group)

ARTICLE D BYLAW AMENDMENT/RESIDENTIAL CONSTRUCTION, OPEN EXCAVATION, AND DEMOLITION ACTIVITY REGULATIONS: NOISE ABATEMENT

To see if the Town will vote to amend the Town Bylaws to further prohibit construction as defined therein without reasonable use of mitigation measures to limit nuisance noise, including but not limited to, provision of noise reducing barriers where feasible on sites abutting residential properties, and limiting the use of noise generating equipment; and determine any fines for violations of said bylaw amendments; or take any action related thereto. (Inserted at the request of the Residential Study Group)

Dear Counsel Heim, Manager Chapdelaine, and Director Raitt,

As discussed at this evening's meeting of the Board of Selectmen, the town's zoning rules for medical marijuana dispensaries were made ambiguous by state actions last autumn. The town therefore must take action to clarify its zoning rules. Based upon a survey of zoning ordinances in the towns and cities close to Arlington, we propose the attached warrant article. It incorporates the language of Burlington's zoning ordinance. Do you have any comments or suggestions on this language? Director Raitt, could you please discuss this warrant article with the Arlington Redevelopment Board members?

I see that I need to complete at Warrant Petition form and collect 10 signatures; are there other steps that I should take to move this warrant article forward?

Thank you very much.

Sincerely, Karen E. Thomas-Alyea

157 Newport Street Arlington, MA 02476 781 635 5275 (cellphone)

#### Town of Arlington -Town Meeting Article

Dated: January 9, 2017

I, [Town Meeting Member], do hereby submit the following motion:

VOTED:

That the Town of Arlington Zoning Bylaw be and hereby is amended by inserting the following section immediately after Section 5.06:

#### Section 5.07 – Buffer Zones for Medical Marijuana Treatment Centers

Medical Marijuana Treatment Centers (MMTC, also referred to as "Registered Marijuana Dispensaries" or RMDs) shall not be sited within a radius of five hundred feet of a school, daycare center, or any facility in which children commonly congregate. The 500-foot distance under this section is measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed MMTC.

For these purposes, a facility in which children commonly congregate shall include: Dance schools; gymnastic schools; technical schools; vocational schools; public and private K-12 schools; public libraries; facilities that offer tutoring or after school instruction; licensed daycare facilities (including private home daycare); pediatrics offices; parks that have play structures and athletic fields intended for use by children; accredited Headstart facilities; commercial establishments that host children's parties. This bylaw regulates intentional congregation of children--such as at schools, play structures, athletic fields, and the like, rather than incidental congregation of children, such as at ice cream parlors, and shopping venues, and the like. The applicant shall demonstrate compliance with buffer requirements under this regulation by provision of maps, and by an inventory of tenants and owners within the buffer, or by any other means the Redevelopment Board might require. The buffer requirement applies to facilities in adjacent communities as well as facilities within Arlington.

	Signed:
	[Town Meeting Member, Precinct X]
Date Voted	
Action Taken	_

#### COMMENTARY

The proposed buffer zone copies verbatim the buffer zone contained within the Massachusetts Department of Public Health (DPH) regulations concerning a buffer zone. See 105 CMR 725.110(A)(14). This is the precise buffer zone that Town Meeting intended to incorporate into Town Zoning Bylaws when adopting the original siting requirements for an RMD on April 28, 2014. Town Meeting's belief was based on representations Town Counsel made to Town Meeting at the time. See <a href="http://vod.acmi.tv/2014/04/town-meeting-april-28-2014/">http://vod.acmi.tv/2014/04/town-meeting-april-28-2014/</a>, a video recording of the Town Meeting session where the zoning restrictions on an RMD were adopted. Town Counsel's representations were entirely consistent with the guidance available at the time regarding the applicability of DPH's buffer zone to towns such as Arlington.

This definition of "a facility in which children commonly congregate" contained in the second paragraph of the substitute motion copies language adopted by the Town of Burlington, Massachusetts and incorporated into its Zoning Bylaws at Section 10.6.4.3.1. A copy of these Bylaws can be found at: <a href="http://www.burlington.org/Zoning Bylaws">http://www.burlington.org/Zoning Bylaws</a> September 2015.pdf. The substitute motion adds pediatrics offices and public libraries as two facilities where children commonly congregate for purposes of the buffer. The Burlington Zoning Bylaws explicitly exclude pediatrics offices from its buffer and does not mention public libraries.

URBAN RENEWAL FUND

Centrel School - 23 Maple Street - Jefferson Cutter House
1/5/2017

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## Arlington Redevelopment Board January 9, 2016 Minutes Town Hall Annex, Second Floor Conference Room – 7:30pm

This meeting was recorded by ACMi.

PRESENT: Andrew Bunnell (Chair), Kin Lau, David Watson, Andrew West

STAFF: Laura Wiener ABSENT: Mike Cayer

GUESTS: Elizabeth Pyle, Residential Study Group

**Correspondence:** Email from Aine Minogue, Downing Square, Arlington dated Monday, January 2, 2017 re: Downing Square Development

property at 483 Summer Street, Arlington, Massachusetts, in the B2 Neighborhood Business District has been moved to

The Chairman opened the meeting at 7:30pm and stated that due to a procedural problem the first agenda item, Public Hearing for EDR Special Permit, Docket #3522, to allow new construction of a mixed-use residential and commercial

February 6, 2017.

Mr. Bunnell moved to the next item on the agenda 2017 Annual Town Meeting Warrant Articles update. Laura Wiener, Assistant Director of Planning and Community Development, shared topics of Warrant Article discussions which included an adjustment for density in mixed- use in commercial corridors and redefinition of Artisanal Fabrication to accommodate businesses needing more than 5,000 square feet to operate. She further stated that the Residential Study Group will propose a change to the Zoning Bylaw pertaining to driveway slopes. Mr. Bunnell invited Elizabeth Pyle to discuss their proposal. Ms. Pyle shared the Group's intention to limit the driveway slope (down slope as measured from the street) citing public safety as the motivating factor. Further, Ms. Pyle shared research she compiled from neighboring communities, MassDOT and the National Highway Institute citing an average down slope of 15%. Ms. Pyle suggested that the Board consider modeling a bylaw after Belmont's garage and driveway requirements. Mr. Bunnell pointed out that the attached drawings showed how the slope of the driveways would look with varying degrees of slope. Mr. Bunnell asked how Belmont's lot sizes compare to Arlington's. Mr. Watson asked what kind of effect this Bylaw had on construction in practice. Mr. Lau advised a focus on safety when presenting the Bylaw amendment.

Steve Revilak of 111 Sunnyside Ave asked if slope requirements vary depending on whether a community allows overnight on-street parking. Ms. Pyle stated that this was not considered because safety was the motivation.

The Board thanked Ms. Pyle for her presentation.

Mr. Bunnell talked about the Good Neighbor contract that the Residential Study Group has been working on.

Mr. Bunnell moved to the next item on the agenda ACA MOU Next Steps. Mr. Bunnell reported that the committee had met to discuss a lease. Further, a vote was sought to authorize the chairman to sign a letter of support for ACA's application to the Cultural Facilities Grant Committee. Mr. West moved to authorize the chairman to sign the letter of support. Mr. Lau seconded. All voted in favor. (4-0).

Mr. Bunnell stated that the next item on the agenda FY18 ARB Properties update would be moved to the January 23, 2017 meeting.

Mr. Bunnell moved to the next item on the agenda, Correspondence. An email was received from Aine Minogue, dated Monday, January 2, 2017 regarding the Downing Square Development asking the Board to reconsider their Decision or to extend the time period for appeal on 19R Park Ave. Mr. Bunnell stated that under the Statute, an extension to appeal could not be offered. It was further stated that three separate hearings offering opportunity for public discussion and comment had occurred. The Board felt that their Decision was fair.

The next item on the agenda, Approval of Meeting Minutes from December 19, 2016 was moved to the January 23, 2017. meeting.

Mr. Lau moved to adjourn the meeting. Mr. West seconded. All voted in favor. (4-0).

## Arlington Redevelopment Board December 19, 2016 Minutes Town Hall Annex, Second Floor Conference Room – 7:30pm

This meeting was recorded by ACMi.

PRESENT: Andrew Bunnell (Chair), Kin Lau, Mike Cayer, David Watson, Andrew West

STAFF: Jennifer Raitt, Laura Wiener

GUESTS: John Maher, Attorney; Jacqueline Maurer, Owner, Upbeat Cycling; Josh Fenollosa, Brown and Fenollosa

Architects; Linda Shoemaker, Director, Arlington Center for the Arts (ACA)

The Chairman opened the meeting at 7:30pm and turned to the first agenda item, Public Hearing, EDR Special Permit Docket #3523, by Jacqueline Maurer for Upbeat Cycling LLC and Faiola Realty Trust, the property owner, to allow a change of use to a 3,000 square foot portion of the building at 6 Schouler Court. The proposed new use is an indoor cycling facility. The property is in the B2A Major Business District. John Maher, Attorney representing the proponent, sought approval from the Board to change the use from a lithograph shop to an indoor cycling studio. He further sought relief under Section 8; parking requirements. Mr. Maher stated that he met with Mr. Byrne, Director, Inspectional Services, who indicated that the parking at this location was a pre-existing, non-conforming condition, and therefore no additional parking was required. Mr. Maher further stated that the proponent did secure four parking spaces for morning classes located at 901 Mass. Ave, Mystic Wine Shoppe, and four parking spaces located at 951 Mass. Ave., the RCN parking lot, during evening classes. Jackie Maurer, Owner of Upbeat Cycling, explained that her proposed business is "boutique" indoor group cycling on stationary bikes to music with an emphasis on client service. Ms. Maurer addressed Transportation Demand Management, saying that they would provide incentives including subsidized T passes and cash incentives for staff and a rewards program for clients as a means to encourage use of alternate transportation. Josh Fenollosa, Architect for the project, shared plans showing the proposed 3,000sq.ft. space located on the first floor, a covered handicap ramp, covered bike parking located in the front and rear of the facility and proposed signage. Mr. Lau asked if there was illumination for the sign. Mr. Fenollosa described the illumination as residential style landscape lighting from below (ground up). Mr. Cayer questioned the sign's placement indicating lack of clarity of where to enter. Ms. Maurer stated that directional signs or stencils could be added to avoid location confusion. Mr. Lau encouraged courtyard lighting to illuminate walkways. Mr. Watson agreed, citing darkness during the proposed business hours. Mr. Lau asked where trash would be stored and how it would be disposed of. Mr. Faiola, property owner, stated that trash would be removed from a common area by the loading dock and taken to the curb for pickup. Mr. Watson was concerned that the Studio could hold 30-32 clients at a time and only provided 10 bike parking spaces. Mr. Faiola stated that he would provide space for additional bike racks if needed. Mr. Bunnell asked for public comments. No comments were made and public comment was closed.

Mr. Cayer moved to approve the Special Permit for 6 Schouler Ct. with the general and special conditions set forth in the Director's Report inclusive of the TDM and Plans provided with the application as amended by additional plans provided hereof. Mr. West seconded. All voted in favor. (5-0)

Mr. Bunnell moved to the second item on the agenda Arlington Center for the Arts fundraising update per Memorandum of Understanding with ARB. Linda Shoemaker, Director, ACA, shared that their fundraising goal set forth in the MOU for January had been met. Ms. Shoemaker updated the Board on their grant application citing a deadline of mid-January. Ms. Raitt, Director of Planning and Community Development, explained that a lease is a requirement of the grant application and asked if the sub-committee could meet to discuss lease execution as the goals of the MOU were met. Mr. Bunnell suggested a conference call meeting for the sub-committee to discuss the lease. The Board thanked Ms. Shoemaker for the update.

Mr. Bunnell moved to the next item on the agenda, discussion of 2017 ARB Meeting Schedule. Ms. Raitt shared an amended meeting schedule removing Labor Day and adding September 11, 2017 to the schedule.

Mr. Bunnell moved to the next item of the agenda, Director's Report. Ms. Raitt stated that Cori Beckwith has resigned as of December 30, 2016 and a new Conservation Administrator had been identified and will begin her position on January 3, 2017. Ms. Raitt informed the Board that she would be providing support to ACA for their grant application. She further provided updates on grant applications submitted to CPA, the Mass Preservation Project Fund, and the Residential Study Group's survey development. Ms. Raitt stated that the application deadline for a new Board member is January 1, 2016.

Mr. Bunnell moved to the next item on the agenda Approval of Meeting Minutes of December 5, 2016. Mr. Lau moved to approve the minutes from December 5, 2016. Mr. Cayer seconded. All voted in favor. (5-0)

Mr. Cayer moved to recess and reconvene at Tryst, where no business would be transacted. Mr. West seconded. All voted in favor. (5-0)